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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,856	11/04/2003	Katsuro Watanabe	NITT-159	5780
38327	7590	05/18/2005	EXAMINER	
REED SMITH LLP 3110 FAIRVIEW PARK DRIVE, SUITE 1400 FALLS CHURCH, VA 22042			WONG, KIN C	
			ART UNIT	PAPER NUMBER
			2651	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,856

Applicant(s)

WATANABE ET AL.

Examiner

K. Wong

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☒ Claim(s) 14-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/4/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Chur et al (3855623).

Regarding claim 13: Chur et al depicts in figure 1 wherein a magnetic disk drive including:

a magnetic disk (element 25 in figure 1 and see associated descriptions for details);

a read/write head (see col. 7, lines 26-34 of Chur et al) having a recording head for recording information on the magnetic disk and a reading head for detecting the information recorded on the magnetic disk;

a read/write circuit (element 45 in figure 1 and see associated descriptions for details) for sending and receiving a recording signal and a reproducing signal from/to the read/write head;

an actuator means (see col. 11, lines 46-68 of Chur et al) which moves the read/write head to a predetermined position on the magnetic disk; and

a read/write operation control means (element 37 in figure 1 and see associated descriptions for details) for controlling the read/write circuit and the actuator means.

Chur et al depicted the limitations as set forth in the above claim; thus, it is considered satisfied the above recitations.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Hampshire (5305447).

Hampshire discloses all the functions as set forth in claim 13 (see figure 1, abstract and the associated descriptions of the elements in figure for details).

Allowable Subject Matter

Claims (1-12) are allowed.

The following is an examiner's statement of reasons for allowance:

regarding claims 1, 2 and 3: Lenssen (6215301), Seigler et al (6654209) and Shimazawa (6643104) in combinations and/or individually fail to disclose or suggest a CPP (current perpendicular to the plane) magnetic head that wherein, when the upper shield layer is projected on a plane where the lower shield layer exists, the lead contact portion of the lower shield layer is provided in a position not overlapped by the upper shield layer, and sense current flows through the upper shield layer, the magnetoresistive sensor and the lower shield layer or wherein, the lower shield layer has a lower lead contact portion within a same plane, the lower lead contact portion is positioned so as not to be overlapped by the upper shield layer, when the upper shield layer is projected on the plane where the lower shield layer exists, and the first lead line is connected to the lower lead contact portion as set in the recitations or as depicted in figures 1 and 9 of the instant drawings.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims (14-24) are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claims 14, 15 and 16: Lenssen (6215301), Seigler et al (6654209) and Shimazawa (6643104) in combinations and/or individually fail to disclose or suggest a CPP (current perpendicular to the plane) magnetic head that wherein, when the upper shield layer is projected on a plane where the lower shield layer exists, the lead contact portion of the lower shield layer is provided in a position not overlapped by the upper shield layer, and sense current flows through the upper shield layer, the magnetoresistive sensor and the lower shield layer or wherein, the lower shield layer has a lower lead contact portion within a same plane, the lower lead contact portion is positioned so as not to be overlapped by the upper shield layer, when the upper shield layer is projected on the plane where the lower shield layer exists, and the first lead line is connected to the lower lead contact portion as set in the recitations or as depicted in figures 1 and 9 of the instant drawings.

Art Unit: 2651

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miyazawa et al (4809091) and Shirai (5416646) are cited for disk drive that which could be read on claim 13 see figure 1 respectively and the associated descriptions of the elements in figure 1, respectively. Shimazawa (6870713) is cited for CPP magnetic head.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Wong whose telephone number is (571) 272-7566.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kw

15 May 05

A handwritten signature in black ink, consisting of a stylized, cursive 'K' followed by a long, sweeping horizontal line that curves upwards at the end.